

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
SEDGRICK JACOB, III,

Plaintiff,  
-against-  
CITY OF NEW YORK, et al.,  
Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 01/31/2023

22-CV-7858 (JPC) (KHP)

ORDER

**KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE.**

On September 13, 2022, Plaintiff filed a complaint asserting claims under 42 U.S.C. § 1983 against the New York City Department of Corrections (“DOC”) and three correction officers named as John Doe defendants. (ECF No. 2.) The complaint alleges that Defendants failed to protect Plaintiff from an assault by other incarcerated individuals. (*Id.*) On October 4, 2022, the Honorable John P. Cronan issued an order (1) dismissing claims brought against DOC because it is as a non-suable entity; (2) adding the City of New York (“City”) as a defendant under Fed. R. Civ. P. 21; (3) asking the City to waive service of summons; and (4) directing the New York City Law Department (“Law Department”) to identify the John Doe defendants. Judge Cronan issued a separate order referring this case to me for general pretrial and all motions. (ECF No. 7.)

By letters filed on January 19 and 30, 2023, the Law Department identified the three John Doe Defendants as follows:

- Correction Officer Ricardo Cherflis, Shield No. 14058
- Correction Officer Melisa Gordon, Shield No. 12280
- Captain Howard Thompson, Shield No. 727

(ECF Nos. 20, 23.)

**Because the John Doe defendants have now been identified, the Clerk of the Court is respectfully directed to amend the caption of this action as follows:**

- Defendant John Doe 1 should be replaced with Correction Officer Ricardo Cherflis;
- Defendant John Doe 2 should be replaced with Correction Officer Melisa Gordon;
- Defendant Captain John Doe should be replaced with Captain Howard Thompson.

These amendments are without prejudice to any defenses the individual defendants may wish to assert.

In light of his pro se and incarcerated status, Plaintiff is excused from any requirement to file an amended complaint that specifically names the John Doe defendants. To the extent Plaintiff nonetheless chooses to file an amended complaint, this can be discussed at the upcoming case management conference.

Additionally, because the individual defendants are DOC employees or officials, the Court requests that they waive service of summons. By Tuesday, January 31, 2023, the Law Department shall notify the individual defendants of this action, provide them with a copy of this Order, and notify them of the telephonic case management conference scheduled on Wednesday, February 1, 2023 at 12:00 p.m. At the telephonic case management conference, the Law Department will be expected to inform the Court whether it is representing the individual defendants and whether the individual defendants agree to waive service.

**The Clerk of Court is requested to mail a copy of this order to Plaintiff.**

Dated: January 31, 2023  
New York, New York

**SO ORDERED.**

*Katharine H. Parker*

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KATHARINE H. PARKER  
United States Magistrate Judge